

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-cv-309-RJC-DCK**

L & M COMPANIES, INC.,)
)
 Plaintiff)
)
 BUSHMANS', INC., BROOKS)
 TROPICALS, LLC, VIRGINIA)
 PRODUCE COMPANY, LLC, D&T)
 BROKERAGE, INC., GREENLINE)
 FOODS, INC., POPPELL'S PRODUCE,)
 INC., YOUNG'S TRUCK CENTER,)
 INC.,)
)
 Intervenor Plaintiffs)
 v.)
)
 BIGGERS III PRODUCE, INC., d/b/a)
 CHARLOTTE'S FINEST PRODUCE,)
 HOWARD R. BIGGERS, III, and)
 DONALD BURNETTE,)
)
 Defendants.)
)

 C.H. ROBINSON COMPANY,)
)
 Plaintiff)
)
 v.)
)
 BIGGERS III PRODUCE, INC., d/b/a)
 CHARLOTTE'S FINEST PRODUCE,)
 HOWARD R. BIGGERS, III, and)
 DONALD BURNETTE,)
)
 Defendants.)
)

ORDER

THIS MATTER comes before the Court on its own motion. On June 15, 2011, Defendant Donald Burnette ("Defendant") filed a Notice of Bankruptcy, (Doc. No. 131), automatically staying this action. Following a discharge of certain debts owed by Defendant in bankruptcy, this Court ordered

the parties to file a status report indicating whether this suit remained viable. (Doc. No. 132). The parties agree that every claim made by the plaintiffs, and intervening plaintiffs, have been disposed of by either voluntary dismissal, default judgment, or Defendant's bankruptcy. (Doc. Nos. 133; 135; 136). Therefore, the Court will lift the stay in this case and order the Clerk of Court to enter judgment in accordance with the Court's April 9, 2010 Order, (Doc. No. 125), the parties' stipulations of dismissal, (Doc. Nos. 130; 134), and the parties' status reports, (Doc. Nos. 133; 135; 136).

IT IS, THEREFORE, ORDERED that:

1. The Clerk of Court shall lift the stay in this case and issue judgment in accordance with this Court's April 9, 2010 Order, (Doc. No. 125), the parties' stipulations of dismissal, (Doc. Nos. 130; 134), and the parties' status reports, (Doc. Nos. 133; 135; 136); and
2. The Clerk of Court shall close this case.

Signed: August 13, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

